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ABSTRACT

Legal and political theorists strive at expanding the scope of children's rights to cover further areas of their lives and choices. This paper suggests that this effort is misguided, and that the protection of children requires instituting adults' obligations, rather than broadening children's rights. Contrary to the common theoretical and societal tendency to focus on just and efficient ways of turning children into specific types of adults (most commonly citizens), the paper defends a view of children and childhood as deserving equal respect to adults based on regarding childhood not as an impediment, but rather as the first of many steps that make up human life. It presents the argument for just relations between the two social groups, adults and children relying on philosophical, psychological, and educational theories. The paper shows the contextuality of the conception of childhood and describes some of the basic elements of the contemporary Western conception of childhood. It defends the view of human life as a continuum in which all periods should receive equal respect against the prevalent view that regards adulthood as the standard according to which other phases of human life are weighed. It elaborates on the standardized view of society and compares children to women and foreigners to elaborate on the claim that groups outside the social norm are regularly misconceptualized and rendered insecure. The paper suggests that regarding childhood as an equal part of human life, and acknowledging its vulnerability, should lead to instituting adults' obligations to protect children as a basic component of just relations between adults and children. The conclusion indicates the advantages of preserving a variety of perspectives within society by respecting differences among its members. Contains 58 references. (BT)

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Autonomy and Vulnerability:
On Just Relations Between Adults and Children

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> 'We must meet children as equals in that area of our nature where we are their equals . . . the worst attitude of all would be the professional attitude which regards children in the lump as a sort of raw material which we have to handle. We must of course try to do them no harm: we may, under the Omnipotence, sometimes dare to hope that we may do them good. But only such good as involves treating them with respect . . . (C.S. Lewis, "On Three Ways of Writing for Children", in Lewis, 1975, p. 34).

Children in the Western world are protected by a vast array of rights. Those are aimed at ensuring that they are provided with food, shelter and education, and spared from violence and neglect. Legal and political theorists strive at expanding the scope of children's rights to cover further areas of their lives and choices. I would like to suggest that this effort is misguided, and that the protection of children and childhood requires instituting adults' obligations rather than broadening children's rights.

The establishment of just and moral relations between adults and children requires an acknowledgment of the relevant traits that signify each of these stages of human life. The single most relevant trait of childhood for this purpose is vulnerability during these years – the vulnerability of children's lives and of their wellbeing.

This vulnerability creates immanent inequality between children and adults. The recognition of children as rights bearers, and the institution of basic rights for children have proved to be helpful in supporting children's well-being. However, this recognition creates the risk of obscuring children's vulnerability and erroneously presenting them as capable of independent decision-making and self-guidance. Moreover, it is not clear that additional rights can in fact promote children's well-being, for rights are often formulated without stating the correlative duty bearer. Society should therefore prefer protective paternalism, and derive from this approach specific institutional obligations, including obligations on the part of the family, the welfare and medical institutions, and the education system.

Contrary to the common theoretical and societal tendency to focus on the just and efficient ways of turning children into specific types of adults (most commonly citizens), I will defend a view of children and childhood as deserving equal respect to adults. This approach is based on regarding childhood not as an impediment but rather as the first of many steps that make up human life.

The argument that will be presented here for just relations between the two social groups – adults and children – will rely on philosophical, psychological and

educational theories. In the first section of the article I show the contextuality of the conception of childhood and describe some of the basic elements of the contemporary Western conception of childhood. In the second section I defend the view of human life as a continuum in which all periods should receive equal respect against the prevalent view that regards adulthood as the standard according to which other phases of human life are weighed. I elaborate on the standardized view of society in the third section, and compare children to women and to foreigners in order to elaborate the claim that groups outside the social norm are regularly misconceptualized and rendered insecure.

In the fourth section I suggest that regarding childhood as an equal part of human life, and acknowledging its vulnerability, should lead to instituting adults' obligations to protect children (termed 'protective paternalism') as a basic component of just relations between adults and children. I defend adults' obligations as against the extension of children's rights as a better way of ensuring children's well-being, and demonstrate the implications of this claim for the education system.

In the concluding section I indicate the advantages of preserving a variety of perspectives within society by respecting differences among its members.

1. Childhood in Flux

At the beginning of the Twentieth century Ellen Key (1910) pronounced it 'the Century of the Child'; less than a century later Neil Postman (1982) lamented 'the Disappearance of Childhood'. The Century of the Child became possible through legislation establishing various rights, which facilitated the emergence of the contemporary Western conception of childhood. Many societies outside today's Western world do not share its current conception of childhood (Archard, 1993). This conception, based on describing children as interestingly different from adults in terms of their ability to be a part of the economic and sexual world (Rothbaum *et al*, 1997), will here be termed *childhood*, and other (past or non-Western) conceptions will be termed *young age*.

As Philippe Ariès first pointed out in his groundbreaking work (Ariès, 1962), the concept of childhood as a separate stage of development with its own distinct challenges and needs did not appear in Western thinking until the seventeenth century (Archard, 1993, pp. 15-28; Cox, 1996, chapter 1). Childhood as a state and as having a particular social status evolved through the endorsement of laws and treaties protecting

children from physical abuse, neglect, work at a young age, premature marriage and other previously unquestioned social norms. Past and present societies expect young people to join the struggle to support the family at very early ages, in the field, factory or sweatshop. In many developing countries we can today see seven-year-olds manufacturing shoes, three-year-olds knitting oriental rugs, and nine-year-olds sold to the sex industry by their impoverished families. Only when consistent and reliable protection is ensured can childhood evolve from young age. Western cultures aim to ensure the protection of children by endowing them with rights, hence manifesting their social standing as *persons* rather than semi-persons, property or extensions of their parents (Cox, 1996). The particular Western conception of childhood, sometimes taken for granted by people in developed countries today, does not apply outside this specific geo-historical context.

Legislation that defines and protects young persons as children stems from an acknowledgment of what society recognizes as unique to youth and wishes to promote. The 'open future,' (Feinberg, 1980) 'promise' and 'innocence' (Giroux, 1999; Malvern, 2000) are all terms used nowadays to characterize *children*, that is, young persons who are relieved of the struggle for survival. Some of the more Romantic aspects of these contemporary conceptions of childhood date back to Rousseau (1969). *Childhood* emerges when young persons' responsibility to protect themselves is taken over by the state, using its powers to recognize, shape and respond to what it perceives as the fundamental traits of young people. Whenever the personal struggle for survival prevails - in the form of threats to one's life or strife of breadwinning or rearing one's own children - the conception of childhood disappears.

However, as Postman notes, even those who enjoy the more privileged circumstances of cultural norms and legislation that allow them to live as children in their early years are rapidly losing their childhood too. Traits such as curiosity, optimism, and a sense of open paths have been protected in Western countries since early in the twentieth century through keeping children as far as possible outside the adult world of parenthood, economic worries and violence. In our time, the walls shielding children's lives from what they supposedly cannot contain are cracked again (Heath, 1997). Children are admitted - or pulled - into the adult world through exposure to sex and violence in the media, as well as through the cultural conception of everyone, including young persons, as responsible for their own choices. 'Children are no longer protected, but are prepared for a harsh, over-sophisticated adult existence' (Cox 1996, p. 170) at

an early age, much as they were expected to be ready for the adult world of economic self-support in 18th century Europe.

Furthermore, some theoretical trends advocate the widening of the range of children's rights in an effort to abolish paternalism and to offer children an equal standing in society. Child liberationists argue that children should have the same rights of self-determination as adults (Farson, 1974; Holt, 1975). Thus, they implicitly endorse choice-protecting rights for children, an approach that is justifiably criticized in the literature (Purdy, 1992). Child liberation and child-centered education, two trends that were at their peak in the 1960s and 1970s, construe children's rights as similar to those of adults. Advocates of free education such as A.S. Neil (1960) and Carl Rogers (1994), whose theories seem to derive in part from Rousseau's romantic notions of childhood, made an impressive effort to implement the idea of equality and liberty for children in educational institutions. But, I would like to claim, this liberty is in fact often an additional burden cast over children's shoulders, turning them back into *young persons*, their newly won childhood fading away.

The boundaries between childhood and adulthood are thus undergoing vast changes. How should Western societies, already committed to a basic parcel of children's rights, describe the particularities of childhood in order to formulate accordingly just relations between adults and children?

Now that the need for safeguarding children's well being is widely acknowledged in theory and legislation in the Western world (U.N. 1989), and that the physical existence of (at least, some) children's physical existence is protected, we should strive to secure their newly-gained, already-questioned *childhood*. Having (at least formally) achieved the goal of legal protection, we need to probe the ways in which children are defined as a social group, and to examine the social and philosophical attitudes forming adult society's relations with children.

2. Beyond Future-Adults: Equal Respect Across Ages

> 'We know nothing of childhood, and with our mistaken notions the further we advance the further we go astray. The wisest writers... are always looking for the man in the child without considering what he is before he becomes a man' (Jean Jacques Rousseau, Emile, Preface p. 2).

> 'You call us the future, but we are also the present.' ('A World Fit For Us', Message from the Children Forum, the U.N. special session on children, May 8, 2002).

Children and adults can be differentiated by their physical traits, such as size, sensitivity to illnesses, and motor skills. They can be told apart by some of their conceptions about the world, such as 'magical thought' and distinctive conceptions of time (Piaget 1929) – aspects that should be considered in constituting just policies, as will be demonstrated below. Other parameters, especially those that bear moral significance, are merely statistical, a matter of measure rather than of essence. Most children have less knowledge than most adults in the same social circumstances; they are rarely economically independent (Palmer *et al.*, 1989); they are less rational and less autonomous. Locke, for example, realized that although reason differentiates human adults from other beings, it is also available to children as early as they understand language; if they experience favorable conditions reason slowly develops into rationality (Locke, 1960, §81).

There is no specific point in the process of development that turns children into adults. Realizing the flexibility of the concept of childhood, and the contextuality of the conception of childhood, should lead us to abandon the dichotomous view of 'childhood' and 'adulthood'. Such a dichotomous view usually serves as a silent assumption in theoretical discussions of children as subordinate to adults' perspectives on the desirable future of their family, community and society.

Most of the theoretical discussion of childhood in educational and political theory tends to regard childhood not only as distinct from adulthood but also as inferior to it. Childhood is commonly viewed as a passage towards adulthood, which is considered the more complete state of human existence. Ranging from theories focused on democratic and civic education to pluralistic and conservative theories, authors commonly regard *society's future* as the basis of adults' social relations with children, and consequently as the main aim of the educational process, usually minimizing the importance of the process itself to the lives of those undergoing it. Very few theorists challenge this hidden set of priorities (Dwyer, 2002b). The philosophical debate about children's social status is concentrated on children's lives as instrumental to the ends of society, or their parents. In most theories, childhood is implicitly regarded as a form of temporary disability, defined by its inabilities and immanent need of correction. Nowhere is this approach more apparent than in Kantian theory.

Theorizing childhood with the kingdom of ends in mind, although it is not a binding value even for Kantians (Cunningham, 1999), entails a concentration on specific human attributes. These are described by Kant, and following him by Schapiro (1999), as attributes characterizing adults. The Kantian conception of humanity as based on rationality and autonomy leads to a focus on the shortcomings of childhood. In working within the Kantian framework, Schapiro has to give precedence to (a Kantian form of) rationality, autonomy and morality, and to examine children in light of their (in)capacity, or mere potential, to exhibit these traits. A political philosophy that ignores the natural diversity in age (or race, or gender) seems to be flawed (as Schapiro agrees), but despite these flaws the Kantian discussion of childhood is fruitful for the discussion on moral relations between adults and children. The focus on autonomy, which is suggested by Kantian scholars as a differentiating factor, can in fact reveal the similarities of human experience in different developmental stages.

The earlier stages of human life are essentially characterized by a striking imbalance between profound dependence on the good will of others, and a minute, slowly growing self-dependence or autonomy. At two years of age, children will normally rebel against external demands and try to establish their own small, but significant territory of autonomous decision-making (even if its major content is when not to take a bath). In their teens, their demands for autonomy will increase, along with their need for advice and guidance in their first steps in the adult world. There is no given point in time when the inescapable fact of the newborn's dependence on adults' good-will vanishes, to be replaced by autonomy and a right to self-determination. The universal human phenomenon of an ever-changing balance between autonomy and dependence is the basis of the current claim that (1) children are not strictly different from adults and (2) they do, nevertheless, have unique traits that must be considered by the relevant public institutions.

It is indeed inescapable for some social purposes to distinguish immature individuals from mature ones. The most obvious reason to do that is allocating voting rights. Democratic states need to decide who is eligible to participate in electing representatives to the governing bodies; for such purposes defining eligibility by declaring the 18th birthday (or some other age) as the exact point of passage into adulthood is practically and politically plausible. There are other practical (mainly legal) justifications to designating a specific age as appropriate for acquiring a driver's license, as 'the age of sexual consent' or 'the age of legal responsibility'. All of these

somewhat arbitrary judgments are based on statistical assumptions that people of a specific age can indeed be expected to drive carefully, decide autonomously on their sexual conduct, or be sufficiently morally developed. The arbitrary definition of age groups is required also for the structural purposes of the education system. Mandatory education is dependent upon a clear definition of eligibility, and therefore children are defined by their age as the recipients of education.

Children's growth is an unavoidable conceptual as well as empirical fact, but it must not be the focal point of their moral relations with adults, in society in general and particularly in the education system. A child should be accepted for what she is *now*, and not be regarded as lacking by comparison to others, or as in need of being raised whether she likes it or not (Schapiro, 1999). Hence, it might be necessary for social purposed (like the economic structure of society, and the family structure) to define the recipients of mandatory education in terms of age; but it by no means requires describing them as in a state of lack, and structuring the curriculum around their deficiencies *vis-à-vis* their future roles. The educational relations of adults to children, as manifested in the choices of pedagogy and curriculum, need not rely on a strict hierarchical distinction between the two groups.

For just relations between adults and children to be possible, childhood must not be defined as a passing phase of impaired maturity, neither should it be depicted as undistinguishable from adulthood, as some child liberationists wish to construe it. Rather it should be recognized as a unique, yet equally significant part of human development. Childhood is neither a stage nor an impediment; it is a part of human life, deserving of acceptance as worthy in itself, and not as a passage towards another world – the world of adulthood. As such it has its own characteristics, which should be regarded not as deficiencies – in relation to adulthood – but rather as qualities relevant to this part of life, some of which tend to dissolve or evolve into other traits as time passes.

The basis for moral relations between adults and children requires an acceptance of the child *qua* child, contrary to the formation of childhood around an anticipation of its ending. The struggle to change the other cannot be the basis upon which just moral relations between two social groups are formed, provided that neither of the groups violates any basic moral requirement. Moral relations between adults and children cannot justifiably be constructed around a demand of the one group fundamentally to change the other. Such formulations are comparable to defining workers' rights only in

light of retirement, or to conditioning women's rights on their becoming more similar to men. As long as children are not morally blameworthy as a group, nor actively asking to be changed, the crux of adults' relations with them cannot be the attempt to change them. This may seem like a fundamental rejection of education, but in fact it is the basis for a much more modest claim. Respect for children requires a reform in the basic relations between adults and children, constituting them on the basis of recognition of vulnerability (as will be discussed in the next section). As such the process of education, although recognizing and supporting the inevitable change that is part of childhood – and of any other stage in human life – should focus more on the present rather than on the future, hence respecting children for who they are now.

The equal respect demand could be met with the response that it would be satisfactory to treat all persons of a certain age in the same way. If we treat all five-year-olds with the same respect (as little as that may be), and all 50 years old with a different amount of respect that they are perceived as deserving, this line of objection could conclude that we thus satisfied the demands of equal respect. However, choosing a criterion according to which society discriminates among people, even if temporarily, cannot be regarded as treating all persons with equal respect. Sending the elderly to their death cannot be regarded as an implementation of the equal respect principle, even if we treat all the elderly, and only them, the same way. Equal respect requires respecting the unique features of each stage in life, not dismissing them as temporary and hence as carrying no significance.

This claim should be implemented in regard to all ages, from the very beginning of life. Treating infancy with respect requires us to regard infants' needs respectfully, for at such a young age, needs are practically inseparable from desires and choices. Infants are to a large extent ignored in current conceptualizations of human society (Gottlieb 2000). Romantic philosophers and educators, like Rousseau and even more so A.S. Neil, suggest that we are morally required to respect the baby's request for food and movement, rather then limiting them - as was common in both authors' times - to feeding by the clock or restraining their hands to avoid thumb-sucking. Both authors justify this claim by moral reasoning, as well as by claiming that free education is more effective for raising moral and content adults. Respecting a newborn's needs, without abandoning the responsibility and discretion attached to maturity, is a first step towards respecting and safeguarding childhood.

To achieve such respect we should acknowledge that persons in different stages of their lives strive to achieve balance between areas of dependence and independence (Clement 1996). The changes in the manifestation of these qualities result from various facts about human beings, including age, culture, gender and even profession. A baby is a person; as such, she begins to walk the path of self-determination, designed by her choices, and by the way those choices are constrained or enhanced by others. Some people will find they are able to act autonomously at home or in the workplace a long time after they have officially turned into adults. The claim that young age is characterized by less autonomy and more dependence will be expanded in the next section. It suggests that to construct moral relations between adults and children, the most significant aspect of childhood to be considered is vulnerability.

3. Children, women and foreigners - the perils of deviating from the norm

To elucidate the claim that inherent vulnerability more than any other aspect of young age should be the focus of just relations between adults and children, we need to consider some facts about the perils of children's contemporary lives. Since the construction of moral relations between adults and children is a philosophical-political project, it needs to be undertaken on the strength of socio-political data – on what Rawls (1971, p. 137) terms 'general facts about human society' that are essential for forming principles of justice.

In the third world, and especially in poorer and war-stricken countries, young people rarely experience childhood as understood in the West. Young people in these parts of the world often experience the early parts of their lives as a state of danger resulting from war, hunger, abuse and lack of proper medical and other care (UNICEF, n.d.; Child-Soldier, n.d.). Without legal and social protection, adulthood (as understood in the Western world) emerges from infancy without intermediate stages. In the Western world, where basic protection for young people is at least formally ensured, the perils to children's lives and well-being have not ceased to exist (Stephens, 1995). Contemporary research suggests, for example, that in the Western world one out of seven children is molested or sexually abused; in the United States, the rate of victimization (of the neglected or abused) is approximately 12 children out of 1000. The rates are higher for younger ages (Calib, n.d.; Sengupta, 2002; Onishi, 2002). Children are usually hit first and hardest by poverty and its consequences (Palmer et. al., 1988).

At a glance we can see that children's actual living conditions indicate various forms of defenselessness as the definitive characteristic of childhood. Acknowledging this fact should serve as the cornerstone for the formation of just relations between adults and children. 'Whether to regard children as pure, bestial, innocent, corrupt, charged with potential, *tabula rasa*, or even as we view our adult selves' (Jencks, 1996, p. 2) is a choice dependent on time, culture and inclination. But however constituted or conceptualized, children remain weaker than adults. Whether innocent or barbaric in nature, whether free from the constraints that experience has cast on adults or constrained in ways adulthood would emancipate, they are nevertheless dependent on the will of people stronger in years, knowledge and physical power. Children are not equal to adults even in the most basic Hobbesian terms: it would be fair to suggest that 'the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he'. However it cannot be true in respect to children that 'as to the strength of body, the weakest has strength enough to kill the strongest' (Hobbes, 1929).

In a sense, children's social status is comparable to the status women held for many centuries, in particular because both groups are referred to relationally. Children like women are typically understood in contrast to another, more dominant group. Classical (as well as some contemporary) sociological, political (Clark, 1979; Elshtain, 1981; Hirschman, 1996), and psychological (Chodorow, 1978; Kurzweil, 1995) theory tends to discuss women as a variation to the norm –that is, men; when talking about children, as we have seen, it is their deficiencies in comparison to adults that are at stake. In addition, both groups are in the process of achieving acknowledgment as subjects and receiving the rights that are attached to agency and that were previously the privilege of the other group alone. Both groups are still weak and dependent, with limited economic, political and other resources - although children's weakness in these aspects is inherent, while the state of women results from specific, alterable social conditions.

Children's weakness is generally accepted as an implicit or explicit assumption in most theories. But many authors believe that it does not warrant their protection. In her Kantian discussion Schapiro (1999) probes the question 'What is a child, such as it would be appropriate to treat a person like one?'. Her answer is based on a directive form of paternalism that she regards as essential to adult-child relations: 'In "treating someone like a child" I mean interacting with her on the basis of more paternalistic standards than those which apply to adult-adult relations.' (Schapiro, 1999, p. 715). Directive paternalism, or taking decisions in spite of the other's will and for (what is

interpreted as) her own good, is indeed an unavoidable part of the adult-child relationships at least at the younger ages. But in using directive paternalism as the *basic* quality of adult-child relations Schapiro presumes that this is indeed the *prevalent* as well as *justified* feature of the interaction. In so doing she regards children's subservience to adults' will as given.

I would like to frame differently the phenomenon of children's lack of knowledge, and their supposed failure to express their own interests and act in order to promote them (which supposedly justifies paternalism). Children's innate unfamiliarity with some general facts and norms should be understood as further aspects of childhood vulnerability. Along with their physical and emotional vulnerability, it renders them dependent on adults' good-will.

These inherent features of young age can be best understood when considered in relation to the case of a person moving to a foreign country, whose language, culture and traditions are unfamiliar to her. Being a stranger in a strange land offers a partial opportunity to experience what it means to be a child in an adult world. At first, you cannot understand the language. For a long time after you get a hold of the words, it is hard to communicate your exact thoughts and meanings. Most of the time you miss social cues and fail to realize common wisdom and practices. Schapiro claims that 'An adult who laughs at your bald spot is to be resented; a child who does the same is to be disciplined' (p. 717). But neither of these assumptions is necessarily correct. An adult may not be aware of the expectations and sensitivities of a foreign culture; he may come from a culture (like mine) where mockery can be a way of expressing friendship. Resentment is out of place in the case of social differences that result from a culture gap. It would be more just to refer to such differences as vulnerabilities on the side of the newcomer, and to respond accordingly. It is hard to blame an adult who fails to follow social rules she is not familiar with, and resenting her for misconduct could be a sign of ethnocentricity (or xenophobia) more than a sign of treating her as an adult.

A child who expresses herself in socially objectionable ways should be disciplined, claims Schapiro. But disciplining is a form of belittling which is not always (and indeed I would say is rarely) necessary. The conceptualization of children as imperfect adults enhances forms of directive paternalism. On the other hand, recognizing that children – although differing from adults – deserve respect is a springboard for exploring the differences from a benevolent perspective. It can lead adults to protect children from what they cannot handle, and from what endangers them as individuals

and as a group. This weaker form of paternalism – protective rather than directive – can shield children from various violations of their interests and well-being, while allowing them to grow at their own pace.

If we understand that a child is a newcomer to society, we should teach her about the local acceptable behavior, a process that need not be focused on disciplining. Teaching children, as well as newcomers, about manners and *faux pas* need not express directive paternalism. When we understand that the person – a child or an adult foreigner – is acting the way she does as a result of lack of familiarity with the local convention, we should aim to protect her from mistakes, misunderstandings and reproach, rather than discipline or resent her. We need to understand that a lack of knowledge is an inherent part of childhood (as of other social positions and stages in life), and that it renders children (like foreigners and members of some minorities) vulnerable in many social situations. Consequently, adults' relations with children should be based on adults' protection obligations (Zimmerman, 1996) or protective paternalism, which should serve as the basic component of organized social relations between the two groups.

4. Respecting vulnerability: adults' obligations toward children

The ways in which adult society perceives and interprets children's traits turns them into advantageous or disempowering qualities. Children's flexibility, their lack of knowledge and capabilities, their dependence, and other features, can – if respected and protected – allow them to try different directions, develop their identities open-mindedly, and discover their own paths as they grow. In other settings, if they are regarded as deficiencies, these very traits can disempower children, close their minds, and limit their sense of confidence in themselves and in others. In more extreme (though still widespread) circumstances, children's traits can endanger their well being as well as their lives, when taken advantage of by adults.

This direct dependence of young people's well-being on the way they are perceived and treated by adults constitutes the basis for adults' moral obligation to protect children. It is in the hands of adults – it is their obligation – to interpret children's characteristics in ways that are conducive rather than limiting, and to protect children in the first steps of their life-long mission of discovering and choosing their ways of life.

Hence on top of securing children's basic rights, democratic societies need clearly to define the obligations adults have towards them. Respect and protection are the two

major components of adults' obligations toward children. These obligations are much more basic than what David Archard calls 'the caretaker thesis' which is usually defended 'within the context of liberal political philosophical presuppositions about autonomy and paternalism' (Archard, 1993, p. 52). They are less comprehensive than the common liberal demand to coerce a child into a future of autonomy and rationality. They are even thinner than Joel Feinberg's (1980) contention for a 'right to an open future'. I assume that adults' obligations towards children are not derivative of the latter's supposed innate incapability to reason or efficiently to practice a right to self-determination. Adults' obligations toward children are derived from two sources: first, from the acknowledgment of children as deserving the basic rights ascribed to them in Western theory and social practice; and second, from children's physical, emotional and economic vulnerability and dependence. This dependence is more innate than socially construed.

But if children's rights are accepted as the basis of the just relations between adults and children, why are adults' obligations preferable over (further) children's rights as a conceptual way of protecting children and childhood? The prevailing non-Hohfeldian definition of rights as 'significant interests' (Raz, 1984), not necessarily pointing at a corresponding duty-carrier, have made the institution of many significant rights possible. However, in the case of children's rights this formation may result in a failure actually to provide children with the protection they need (Schrag, 1995). Although some authors have identified the parents as bearing this correlative duty (Melden, 1980, Cunningham, 1999), this form of argument requires a consideration of the infant or child as a *future moral agent*, which I claim to be unjustified from the perspective of equal respect to children. In addition, expanding children's rights may distort the social conceptualization of childhood, and result in a focus on their decisional autonomy, which is far less necessary, or justified, than the protection of their well-being. Children's inherent vulnerability necessitates a stronger way of supporting their well-being without impairing their present and future ability to choose and to thrive. Stipulating that the adult members of a society must take responsibility for attending to the needs of children can better contribute to the emergence of just relations between adults and children. Hence establishing adults' obligations as the moral component responsive to children's vulnerability is more productive both morally and politically than endowing more rights to children.

The constitution of adults' obligations does not exclude the possibility of defending children's rights (which I do not attempt here). Contrary to the assumption that

children's rights and adults' obligations toward them are mutually exclusive (Purdy, 1992), I regard rights as the first layer of protection, enabling young people to exist as children, while the obligations are the second layer of protection, compatible with the first (O'Neill, 1988). The institution of adults' obligations encourages the implementation of the protection embedded in the language of rights, while positioning the responsibility for children's lives and well-being in the hands of adults.

The moral consequence of acknowledging children's vulnerability is thus not a *carte blanche* for paternalism or for decision-making on behalf of children; rather it is an obligation to protect them and help them learn their way into the world of norms and conventions designed by adults. The patience, acceptance and guidance we should offer children is the same that we owe a foreigner who is attempting to become naturalized or assimilated into a society new to her, or to a member of a distinct minority culture. This is not to say that foreigners should be treated like children. Rather it is to say that we should develop processes of naturalization for children too, while accepting their particularity. Since children do not possess the knowledge about social processes based on past experience that (most) adults tend to have, they deserve something more – and this entails an *obligation* on the part of the adult society to escort and protect them in the process of evolving into adults.

The allocation of these obligations should be divided between the family and public institutions. Adult family members – parents or guardians, and other adults who are in an intimate relation with the child – hold a primary obligation to look after the child's health, her development and her general well-being, and to protect her from physical danger and exploitation. Some authors (Purdy, 1992; Cunningham, 1999) defend a precedence of parents' duties and obligations over other institutions. But taking for granted any parent's natural good-will for her child is not justified – we all know that the home is the single most dangerous place for children. Therefore I regard the obligations of the family and social institutions (including the education, health and legal systems) as complementary. Public institutions bear a greater obligation for protecting children's rights. They are also more extensively required to accommodate children's present needs and will, rather than focusing on the (present and future-related) demands of their parents or communities. This means allowing children to play an increasing decisional part in control over their lives as they grow and develop. It also means making an effort to reveal their needs and expressed interests, through developmental and other theories as well as through listening to children. Public institutions must be attuned to children's personal and communal voices, and must

express respect to their perspectives by incorporating them into social policies. Thus, the healthcare system is responsible for the protection of children from endangering or impeding decisions, such as those made on their behalf by individuals from cultures that ban life-saving treatment for children. It is the obligation of the medical community to find ways of reconciling those cultural traditions or individual standpoints with the protection of the children concerned, and to represent the children's interests when they conflict with those of their guardians (Gutmann, 2003). The welfare system and the legal system also carry obligations to protect children, to represent their interests and to contribute to their present well-being (and consequently to their future opportunities). These two systems are in need of fine-tuning to realize this goal, but because they are constructed to respond to people on a personal level, changing their focus to be attuned to children should not require a large-scale reform.

If the education system is to realize its obligation to protect and respect children, the change it must undergo is vast. A detailed account of what would be required deserves a separate discussion. Here I will only mention some criticisms of the existing educational system, and outline basic aspects of an educational approach compatible with the suggested just relations between adults and children.

One perspective that may come to mind as arising from the current discussion is the 'child-centered' approach. But judging by the way that this was interpreted by public schools during the twentieth century, this approach runs the same risks as 'child liberation'. It is prone to casting the burdens of decision-making on the shoulders of children, and to expecting them to interpret their own needs and interests. Because of its assumption of similarity between adults and children, it has a tendency to overlook the vulnerability of childhood, and to neglect the responsibility of adults to guide and protect children. Therefore this approach cannot serve as a satisfactory response to the theoretical concerns brought forth here.

The one aspect of the 'child centered' approach (as presented in Dwyer, 2002b; Montessori, 1966) that does align well with the present argument is its concern with children's present perspectives. Neglecting the present perspectives of children is not only disrespectful, and not only results in an unjust and myopic society (as I claim in the next section); it also expresses a deep disregard for childhood itself. The very notion of time and its conceptualization by children (as Piaget noted) render the future largely unimaginable for them. Recalling the amount of time we experience as children between one birthday and the next, one weekend and the next, one recess and the next,

can indicate the conception of time prevalent in childhood. Children's conception of time is different than adults', and to take this into account means that we must respect children's present and not focus mainly on preparing them for a future they can hardly grasp, let alone be interested in.

The implications of the approach presented here to the educational system can broadly be described by an analogy to early childhood education. Structurally, primary education is similar to that of the later stages of compulsory education: a classroom, a group of children of about the same age, an adult (perhaps two, probably women, in the early years setting), and a curriculum they are to follow. Such at least has become common in parts of the English-speaking world. Every one of these aspects can be criticized, and they are indeed the objects of numerous critiques. The adult-child ratio, the separation in age groups, the fact that the workforce tends to be female, the rigidity of the curriculum, are all problematic from various theoretical perspectives, including the one presented. I cannot fully develop this critique here (although I briefly consider its implications below), so let me take the educational structure as given, and focus on one central factor. The balance between the curriculum and individualized responses to students in the public education system should be made more similar to that in preschool education. In the early stages of education (in good institutions, though not necessarily in the more competitive ones), children encounter a proper balance between the teachers' responses to their personal abilities, needs and interests, on the one hand, and the curricular demands, on the other hand. In preschool, children learn about their society, they learn important skills like the use of a computer or the peaceful resolution of conflict, they acquire early (or pre-) reading and writing skills, and much more. My main concern is not only that they do it in a playful way, although this is appropriate far beyond the age of five. I wish to criticize the fact that when children enter primary school, they are unjustifiably labeled old enough to respond to the curricular demands, and the teachers are expected to put aside the more individualized aspects of their responses. The focus of the school day is overwhelmingly on knowledge and learning skills (or, in the worse cases, on memorizing data), along with discipline of the kind that was criticized above as a form of disrespect.

Adults' obligations as described here require schools to put more emphasis on children's interests, abilities, difficulties and hopes than they do today. This should come at the expense of the focus on compartmentalized knowledge. In addition, schools should prefer attention and care over discipline, as widely defended in feminist philosophies of education (Noddings, 1984; Martin, 1992). These are the most basic

forms of recognition of the child's equal humanity and of the acceptance of her present perspective as worthy of respect.

Nel Noddings (1984) describes an educational practice that is constructed around the notion of care. There is one important analogy between the approach she advocates and the one I briefly described here. The 'caring' teacher thinks about her students in a parental (or 'maternal') way – she is concerned with the student's individual performance, plans for their future, and responds to their individual abilities and difficulties, more than she is concerned with any predetermined curriculum. In a sense, the current discussion on the balance between curricular and personal concerns echoes another educational philosophy. John Dewey (1917) believed that the education system should promote both the individual and society's aims. Like the pedagogies of care after him, he put much emphasis on growth. His education system maintained a space both for society's and for each individual's interests. Dewey believed that in a truly democratic society, the two sets of interests converge; I, however, am less optimistic. Many times society's aims challenge or disregard personal ones, and therefore a just society must assign specific adults (parents, teachers, health care professionals) to protect the interests of the more vulnerable members of society. The fulfillment of adults' obligations in schools, as in other public institutions, should take the form of protective paternalism – it should take into account not only the expressed views of children (whenever possible), but also a careful interpretation of their interests. This interpretation should be designed openly, so as to allow for the child herself to amend it according to her own perspective as she grows.

To conclude these brief remarks on educational implications, let me describe the kind of classroom that addresses the problems I have raised. In a nutshell, such a classroom will include a varied age range, allowing children and adults actively to contribute to the learning process, and therefore to minimize the paternalism inherent in education. The teacher in this classroom will be concerned to expose children to learning opportunities in such a way as to introduce them to their society's norms. Knowledge, skills and social abilities will all be part of these opportunities in an attempt to empower them and help them gradually to overcome their inherent vulnerabilities. Most importantly, each child's perspective will be taken into account, as a key expression of respect to her as she is today.

Such factors have been advocated in various educational philosophies, and some of them have been applied in certain schools. The current discussion is aimed at

reiterating the central role of respect in the process of learning, and the recognition of vulnerability and of the consequent adult obligations that should shape educational relations. The result is an education system that devotes more time to safeguarding children in their natural process of growth, considering the society into which they are to be integrated but not directing this process to a neatly defined end.

These obligations are part of what society should take upon itself as a manifestation the principle of equal respect for all members, be they minors or adults; they are part of what adults owe themselves as persons who once were children, whether they themselves received such care or were deprived of it.

5. Preserving perspectives high and low: childhood as a life-long experience

> A simple child
> That lightly draws its breath,
> And feels its life in every limb,
> What should it know of death?
> (William Wordsworth, 'We Are Seven')

How should society respond to differences in the natural endowments of its members, such as gender, race and age? Protecting the diversity of perspectives within society is both just and fruitful to individual and social thriving; neglecting this diversity renders society unjust and myopic. Virginia Woolf (1929) looks for ways to allow women to cross the bridge separating the domestic from the public spaces, but she wants women to take their interests, inclinations and unique traits with them as they approach the other side of the bridge. Similarly, the constitution of just relations between adults and children should be built on a respectful consideration of what characterizes each period of life, and should evade the use of adult perspectives and capabilities as a social standard. Just like any other period of a person's life, childhood should be respected as suitable for its time. Just like any other aspect of diversity, like race or gender, it should be regarded with respect. Childhood should be looked upon in the light of what it has to contribute to society as a whole, and not with an attempt to adapt what is special and unique to this age to the general standardized adult society. Since vulnerability is what fundamentally characterizes childhood, adult society should protect this vulnerable stage of life without losing sight of the humanity of children and the respect it entails.

The late Astrid Lindgren, giving an interview on her 93rd birthday, suggested that the reason children like her books so much was that she was a child too. This is not an empirical but rather a moral statement. Lindgren felt she shared the curiosity, the sensitivity and the hopefulness in the point of view of the child. Of course, this does not mean she wanted to be treated, or that she should have been treated as a child by other adults, and thus be patronized or deprived of the opportunity to lead her life the way she saw fit (although frequently elderly people are regarded negatively as like children in this respect). What it means rather is that by protecting and respecting this child-like perspective, positively construed, society can be enriched with the kind of insight relevant to art and philosophy (Matthews, 1994; Subbotsky, 1996) as well as benefits of other kinds. It follows that society should foster and encourage the perspectives of those who are children in body or in spirit rather than ignore or patronize them.

Children should not be deprived of the potential pleasures of their age. Neither should adults be denied the possibility of preserving certain juvenile traits. Poetry and other forms of art (and for some people also daily experiences) suggest that many adults choose to preserve a child-like perspective even when they grow older. In his *Child Development*, Billy Collins writes:

> As sure as prehistoric fish grew legs
> and sauntered off the beaches into forests
> working up some irregular verbs for their
> first conversation, so three-year-old children
> enter the phase of name-calling. . .
> They are just tormenting their fellow squirts
> or going after the attention of the giants
> way up there. . .

By evading the centrality of the vulnerability of young age, apparent in the description of adults as 'giants', we may fail to protect children's lives and well-being, and hence deprive them of their ability to thrive. Moreover, by ignoring the child-like perspective we overlook the richness of human experience across ages. In encouraging children to become adults by adopting an adult-centered perspective, we risk abandoning childhood as an essential dimension of human life with all the good it can afford to individuals and to society. In remembering the various traits characteristic of young persons in different cultures, we can enrich our societies, without neglecting our obligation to protect children from the perils that are always a part of being a child.

A child is a child as long a society allows her to be one, as long as childhood is respected and protected as a stage in our lives, like other stages we go through. Rousseau famously stated in his Emile (1969): 'Dare I express here the greatest, the most important, the most useful rule of all education? It is not to gain time but to lose it.' But to hope that children will 'get over' their childishness is to treat youth as a corridor toward the true human existence – adulthood – rather than as an equal, immanent part of life. Society should learn to allow children to experience and enjoy their age, and protect them from what they cannot contain, decide or be responsible for. A child cannot understand her family's economic worries at three, thus she should not be drawn into them. She cannot understand romantic love or passion at five, thus she should not be exposed to sex. She is only beginning the gradual, life-long process of knowing her abilities and desires, thus she should not be made responsible for large-scale educational choices. A child can offer a fresh look on those aspects of life that are more accessible to her; she can remind us of questions we have long forgotten; she offers us an opportunity to interpret the world to her. If children are protected from what they cannot deal with, and are enabled to indulge in what they can and want to contain, they are more likely to be able to enjoy and excel in their current and next steps in the journey from the cradle to old age.

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